

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

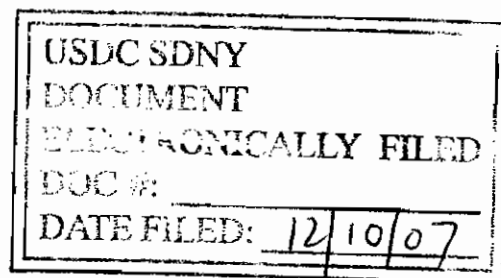
JORDAN M. SMITH
Special Federal Litigation Division
(212) 788-0869
fax: (212) 788-9776
josmith@law.nyc.gov

MEMO ENDORSED

November 30, 2007

BY HAND

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007



Re: Tamika Hughes v. City of New York, et al.,
07 CV 9677 (DLC)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced federal civil rights lawsuit. I respectfully write to request a sixty-day enlargement for defendant City of New York to answer or otherwise respond to the complaint from December 3, 2007, to February 1, 2008. Plaintiff's counsel, Earl Ward, Esq., consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. In this case, plaintiff alleges she was assaulted and falsely arrested by New York City police officers on the evening of November 2, 2006, while walking from her place of work to her parked car in midtown Manhattan. She alleges she suffered a broken jaw and that, while in police custody, she was taken to Bellevue Hospital and seen by an orthodontic surgeon. It is our understanding that the records of the underlying criminal action, as well as police records and the New York County District Attorney's Office's file, have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of those sealed records so that defendant can access the information, properly assess the case, and respond to the complaint.

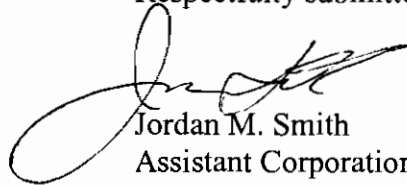
Earl Ward
Denise Cote
12/7/07

According to the Court's docket sheet, plaintiff has recently completed service of process upon the individually named defendants Patrick Ryan and Rebecca Bukofzertavarez.¹ The requested enlargement will allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent these individual defendants. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). This is particularly important in this case because Mr. Ward has indicated to me that the plaintiff filed a complaint with the Civilian Complaint Review Board and her pleading indicates plaintiff spoke to officers from the NYPD Internal Affairs Bureau. The requested extension of time will allow this office to determine the status of these investigations and whether any disciplinary action has been, or will be, instituted against the named individual defendants.

No previous request for an enlargement of time to respond to the complaint has been made. Accordingly, it is respectfully requested that defendants' time to answer or otherwise respond to the complaint be enlarged from December 3, 2007, to February 1, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Jordan M. Smith
Assistant Corporation Counsel

cc: Earl Ward, Esq. (by fax to (212) 763-5001)
Attorney for Plaintiff

¹ Without formally appearing on their behalf or waiving sufficiency of process or sufficiency of service of process, we also respectfully request that the time to answer or otherwise respond to the complaint for defendants Ryan and Bukofzertavarez be correspondingly extended to February 1, 2008.

ECF NOTICE TO BE SENT TO:

Andrew G. Celli
Elizabeth Sykes Saylor
Earl S. Ward

COPIES MAILED TO:

Jordan M. Smith
Special Federal Litigation Division
The City of New York Law Department
100 Church Street
New York, NY 10007